

## REMARKS

The present request is submitted in response to the final Office Action dated October 5, 2005, which set a three-month period for response, making this amendment due by January 5, 2005, and with the initial two-month period for response expiring on December 5, 2005.

Claims 1-12 are pending in the application.

In the final Office Action, claims 1-7 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,104,155 to Rosa. Claims 8-12 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,236,177 to Zick et al. Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rosa in view of Zick et al.

The Applicants respectfully disagree that the newly cited references anticipate or make obvious the present invention.

The Rosa patent discloses a braking device for an electric motor of a power tool, including a short circuit switch 15 for short circuiting an armature winding of the electric motor during a braking process (see Rosa, abstract). The braking device further comprises means 16 for supplying current to a field winding 12 of the electric motor during braking of the electric motor, at least over a certain time while the armature winding is short circuited.

As disclosed in Rosa, the short-circuit switch 15 is manually operated via a trigger switch 315 (Rosa, column 3, lines 6-13 and Fig. 4) and has no control input for controlling a switching condition of the short circuit switch. A control unit

17 is connected with a control input of a relay 18 (Rosa, Fig. 1, dashed line). When the motor has been short circuited for a predetermined period of time, the control unit 17 opens the relay 18 to completely cut off the motor from the power supply (Rosa, column 3, lines 56-60). The relay 18 cannot short circuit the motor and is far too slow for performing a phase control. The short circuit switch 15 is not phase-controlled during the braking process in order to avoid brush fire.

In the braking device of Rosa, the short-circuit switch 15b remains closed during the entire braking process. Therefore, a very high electrical current flows through the brushes of the motor 11. This current can produce a strong brush fire and therefore, the brushes are subject to high wear.

With the phase control of the short-circuit switch of the present invention, the braking current through the brushes of the motor can be controlled by rapidly switching the short-circuit switch on and off in certain parts of the oscillation period of the voltage induced in the armature windings. The current control can be performed in a way that avoids brush fire and in the meantime, guarantees a rapid braking action.

Likewise, the Applicants respectfully disagree that the cited patent to Zick discloses all of the features of independent claim 8. To avoid repetition, the Applicants respectfully direct the Examiner's attention to the Applicants' last amendment with regard to the argued distinctions over the Zick patent.

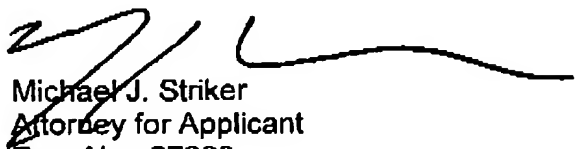
Because Rosa and Zick fail to disclose all of the features of independent claims 1 and 8, respectively, the rejections under Section 102 must be withdrawn. Anticipation requires the presence in a single prior art reference

disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

Based on the foregoing, the Applicants respectfully submit that claims 1-12 are patentable over the cited art. The Applicants further request withdrawal of the rejection under 35 U.S.C. 102 and reconsideration of the claims as herein amended.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



Michael J. Striker  
Attorney for Applicant  
Reg. No.: 27233  
103 East Neck Road  
Huntington, New York 11743  
631-549-4700